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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 RODRIGO RAQUEDAN *et al.*,

12 Plaintiffs,

13 v.

14 CENTERPLATE OF DELAWARE, INC.,
15 *et al.*,

16 Defendants.

No. 5:17-cv-03828-LHK

**OBJECTION TO AND REQUEST TO STRIKE
RENEE MARQUEZ'S UNTIMELY REPLY IN
SUPPORT OF MOTION TO INTERVENE
(ECF 140)**

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**OBJECTION TO AND REQUEST TO STRIKE
UNTIMELY REPLY ISO MOTION TO INTERVENE
U.S.D.C., N.D. Cal., No. 5:17-cv-03828-LHK**

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15 Attorneys for Defendant
16 Centerplate of Delaware, Inc.

1 Plaintiffs Rodrigo Raquedan, Monique Raquedan and Ronald Martinez (“Plaintiffs”) and
 2 defendant Centerplate of Delaware, Inc. (“Centerplate”), hereby object to the untimely reply filed by
 3 proposed plaintiff and intervenor Renee Marquez (“Marquez”) in support of her motion to intervene on
 4 March 21, 2019 (ECF 140) and request that the reply be stricken. In support of their objection and
 5 request to strike, Plaintiffs and Centerplate show the following:

6 1. On November 27, 2018, Marquez filed her motion to intervene in this action (ECF 106).
 7 When the motion was filed, the Clerk published the following as part of the docket entry:

8 MOTION to Intervene filed by Renee Marquez. Motion Hearing set for 1/3/2019 09:00
 9 AM in San Jose, Courtroom 8, 4th Floor before Judge Lucy H. Koh. Responses due by
 10 12/20/2018. Replies due by 12/27/2018.

11 2. On November 28, 2018, the Court *sua sponte* rescheduled the hearing on the motion to
 12 March 14, 2019. (ECF 107.) At the time, the Court did not extend the deadlines for the opposition to
 13 the motion and the reply in support of the motion.

14 3. Plaintiffs timely filed their opposition to the motion on December 11, 2018 (ECF 117)
 15 and Centerplate timely filed its opposition to the motion on December 20, 2018 (ECF 121). Marquez
 16 did not file a reply in support of the motion by the December 27, 2018 deadline set by the Court.

17 4. On February 8, 2019, the Court, acting on the stipulation of all parties, including
 18 Marquez, continued the hearing on the motion to April 4, 2019. (ECF 131.) At the time, Marquez did
 19 not ask for, and the Court did not order, an extension of time for Marquez’s reply in support of the
 20 motion, pursuant to the Court’s Local Rule L.R. 6-1 or otherwise.

21 5. Accordingly, Marquez’s reply in support of the motion, filed on March 21, 2019, without
 22 leave of Court for good cause shown, is untimely and should be stricken.

23 Pursuant to L.R. 5-1(i)(3), I, Jeffrey D. Wohl, attest that all other signatories listed concur in the
 24 filing’s content and have authorized the filing.

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1 Dated: March 26, 2019.

2 SHAUN SETAREH
3 THOMAS SEGAL
4 FARRAH GRANT
5 ASHLEY N. BATISTE
6 SETAREH LAW GROUP

7 By: /s/ Shaun Setareh
8 Attorneys for Plaintiffs Rodrigo Raquedan,
9 Monique Raquedan and
10 Ronald Martinez

11 Dated: March 26, 2019.

12 JEFFREY D. WOHL
13 ZINA DELDAR
14 JANA B. FITZGERALD
15 PAUL HASTINGS LLP

16 By: /s/ Jeffrey D. Wohl
17 Attorneys for Defendant
18 Centerplate of Delaware, Inc.